UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,385	10/19/2005	Takahiro Nagai	074782-0023	1179

7590 11/09/2010

Michael E. Fogarty, Esq.
McDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington, DC 20005-3096

EXAMINER	
MEANS, JAREN M	

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
11/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/553,385
Filing Date: October 19, 2005
Appellant(s): NAGAI ET AL.

Takashi Saito (Limited Recognition No. L0123)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/2/2010 appealing from the Office action mailed 12/01/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: Claims 1-20.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US-5,873,085 A	Enoki et al.	02-1999
US-2003/0177246 A1	Goodman et al.	9-2003
US-2001/0025280 A1	Mandato et al.	09-2001

- Yang B., ("Comparing Hybrid Peer-to Peer Systems", Proceedings of the 27th VLDB Conference, 2001, pages 1-10, especially 1-3).
- Lui S., ("Interoperability of Peer-To-Peer File Sharing Protocols", ACM SIGecom Exchanges, Vol. 3, No. 3, August 2002, pages 25-33).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 6, 9, 11-12, 16 and 19 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. (U.S. Patent No. 5,873,085) in view of Lui S., ("Interoperability of Peer-To-Peer File Sharing Protocols", ACM SIGecom Exchanges, Vol. 3, No. 3, August 2002, pages 25-33)(hereinafter Lui), and further in view of Goodman et al. (U.S. Publication No. 2003/0177246 A1).

With respect to claim 1, Enoki teaches a server for use in a system that is designed to transmit, receive and share multimedia information between a plurality of terminal devices that are connected together over a network *(i.e., a file management*

system constructed with a plurality of servers and plurality of terminals that share file services, abstract).

Enoki further teaches a plurality of terminal devices including a first terminal device and a second terminal device *(i.e., A virtual file management system of the present invention, constructed with a plurality of servers and a plurality of terminals (plurality of terminal devices) that share file services provided by said servers, column 3 lines 5-8. It is clear that Enoki teaches a plurality of servers and terminals (terminal devices) which include a first and a second terminal device. The terminal devices can be first, second, third, fourth, etc., terminal device in an ordered set of terminal devices. The order and number of the terminal devices is relative).*

Enoki also teaches the server comprising a network control device *(i.e., a virtual file management apparatus (network control device) operating in at least one of said plurality of servers is provided, column 3 lines 9-10).*

Enoki also teaches a memory storing a management table for managing identifiers to identify the terminal devices and addresses of the terminal devices on the network *(i.e., a management table which manages files stored on said plurality of servers by using virtual file identifiers, abstract. The management table contains a virtual file identifier (identifier to identify the terminal devices) and a corresponding server computer name (address of terminal device), column 14 lines 15-17. The server computer name is used to locate the device so therefore it acts as an address for finding the terminal device and then requesting data from it. The virtual file*

management apparatus uses a server identifier (address of terminal devices) for each of its servers, column 6 lines 23-26).

Enoki also teaches a server receiving unit configured to receive a request including an identifier from the first terminal device through the network control device *(i.e., the device checks said management table by using the virtual file identifier contained in the file access request received by said receiving section (configured to receive a request including an identifier from a first terminal device), abstract. The virtual file management apparatus (network control device) is operating in at least one of said plurality of servers is provided, column 3 lines 9-10. The virtual file management apparatus managing the files has the capability to respond to the client computer (through the network control device), column 15 lines 52-54. Therefore the server receives a file identifier contained in the file access request from a first terminal device through the network control device).*

Enoki further teaches a processing unit configured to acquire an address of the first terminal device upon receiving the request, *(i.e., processing section which modifies said file access request so that a response to said file access request can be sent back to the terminal that issued said access request, using an identifier of the originating computer, by said request analyzing section, abstract. Thus an originating identifier (address of the first terminal device) is used to locate and reference the client so that a response can be sent back to the client, 109a in figures 4 and 5).*

Enoki also teaches a processing unit configured to acquire an address of the second terminal devices, by referring to the identifier included in the request and the

management table *(i.e., the virtual file management apparatus has a request analyzing section that checks the virtual file identifier contained in the received file access request, and determines the corresponding server computer by referencing the management table (using either the server name or the server identifier as a type of address), column 14 lines 15-17. Any of the plurality of servers can act as the second terminal device. Therefore Enoki teaches a processing unit configured to acquire a network address of a server (second terminal device), by referring to the identifier included in the request and the management table).*

Enoki further teaches sending the address of the first terminal device to the second terminal device when the second terminal device retains the multimedia information *(i.e., The request processing section in the server computer that received the modified file access request creates response data to the file access request by using the file system, and transmits the response data to the client computer, column 14 lines 27-32. This exchange involves sending the originator computer identifier (address) of the originating computer (first terminal device) to the server (second terminal device) when the server retains the data files).*

Enoki further teaches multimedia information that is transmitted, received and shared between the first and second terminal devices by referring to the addresses provided *(i.e., the modified file access request creates response data to the file access request by using the file systems and then transmits the response data to the client computer (multimedia information that is transmitted, received and shared between the first and second terminal devices), column 14 lines 30-33. This can be either a read or*

a write operation as described above. Thus the files are shared (read or written) between the two devices by referring to the computer identifiers (addresses) in the management table).

Enoki does not explicitly disclose an address that is a network address.

However, Lui teaches an address that is a network address *(i.e., a message that contains the IP address (network address) of the peer that hosts the file and the port number of that peer, table 4)* in order for a peer to request files from others and share files with other peers *(section 1)*.

Therefore, based on Enoki in view of Lui, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lui to the system of Enoki in order for a peer to request files from others and share files with other peers.

Enoki and Lui do not explicitly disclose a server transmitting unit configured to send the address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information.

However, Goodman teaches a server transmitting unit configured to send the address of the second terminal device to the first terminal device through the network control device when the first terminal device retains the multimedia information *(i.e., each client first "announces itself" to the server, and requests a list of IP addresses of connected clients. The server sends a seed list (server sending the address of a second terminal device through the network control device) of the connected clients, section 31. The client of FIG. 4 may also initiate SEARCH and GET requests. When a SEARCH*

request is initiated, the terms of the search are received typically from an operator of the client. The SEARCH and GET request processor packages the terms of the search along with the credentials of the client including a client ID and password as well as its IP address (address of the second terminal device). The search request is then communicated to clients (sending address of a second terminal device to a first terminal device through the network control device when the first terminal device retains the multimedia information) having an IP address included in its seed list, seed list having IP addresses received from server. If a particular resource in a particular client is desired as a result of the search, then the SEARCH and GET request processor packages the resource identification along with credential information into a GET request and sends the GET request to the corresponding client, section 47) in order to provide a method in a client in a peer-to-peer network having a server and a multiplicity of clients having searchable resources, each of the multiplicity of clients having a unique client address *(section 15).*

Therefore, based on Enoki in view of Lui, and further in view of Goodman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Goodman to the system of Enoki and Lui in order to provide a method in a client in a peer-to-peer network having a server and a multiplicity of clients having searchable resources, each of the multiplicity of clients having a unique client address.

With respect to claim 2, Enoki teaches a server receiving unit that is configured to receive the identifier of the second terminal device and a share request to share the multimedia information from the first terminal device *(i.e., the device checks said management table by using the virtual file identifier contained in the file access request received (server receiving unit that is configured to receive the identifier of the second terminal device and a share request to share the multimedia information from the first terminal device) by said receiving section, abstract. The virtual file management apparatus (network control device) is operating in at least one of said plurality of servers is provided, column 3 lines 9-10. The virtual file management apparatus managing the files has the capability to respond to the client computer (through the network control device), column 15 lines 52-54. Therefore the server receives an identifier of the second terminal device and a share request (read/write) contained in the file access request (share request to share the information) from a first terminal device through the virtual file management system (network control device)).*

Enoki also teaches a server transmitting unit that is configured to send the share request to the second terminal device *(i.e., a virtual file management system constructed with a plurality of servers and a plurality of terminals that share file services, abstract. A function that processes a file access request (share request) and that instructs said transmitting section to transmit the processed result to said terminals (second terminal device), column 10 lines 41-43).*

Enoki does not explicitly teach a server receiving unit that receives an acknowledgement, indicating that the multimedia information is receivable, from a second terminal device in response to the share request.

However, Lui teaches a server receiving unit that receives an acknowledgement, indicating that the multimedia information is receivable, from a second terminal device in response to the share request *(i.e., the server sends a download ack message to the peer with the details of the file download, table 4)* in order for a peer to request files from others and share files with other peers *(section 1).*

Therefore, based on Enoki in view of Lui, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lui to the system of Enoki in order for a peer to request files from others and share files with other peers.

Enoki and Lui do not explicitly disclose when the first terminal device retains the multimedia information.

However, Goodman teaches when the first terminal device retains the multimedia information *(i.e., another embodiment of the present invention provides a client (first terminal device) in a peer-to-peer network having a server and a multiplicity of clients having searchable resources (first terminal device retains multimedia information)), section 17. Goodman teaches that any of the clients can retain the resources (multimedia files) including a first client (first terminal device). The terminal device can be first, second, third, fourth, etc., terminal device in an ordered set of terminal devices. The order and number of the terminal device is relative.)* in order to provide a method in

a client in a peer-to-peer network having a server and a multiplicity of clients having searchable resources, each of the multiplicity of clients having a unique client address *(section 15).*

Goodman also teaches a server transmitting unit that is configured to send the network address of the second terminal device and a request to transmit the multimedia information to the first terminal device *(i.e., each client first "announces itself" to the server, and requests a list of IP addresses of connected clients. The server sends a seed list (server sending the address of a second terminal device through the network control device) of the connected clients, section 31. The client of FIG. 4 may also initiate SEARCH and GET requests. When a SEARCH request is initiated, the terms of the search are received typically from an operator of the client. The SEARCH and GET request processor packages the terms of the search along with the credentials of the client including a client ID and password as well as its IP address (address of the second terminal device). The search request is then communicated to clients (sending address of a second terminal device to a first terminal device through the network control device when the first terminal device retains the multimedia information) having an IP address included in its seed list, seed list having IP addresses received from server. If a particular resource in a particular client is desired as a result of the search, then the SEARCH and GET request processor packages the resource identification along with credential information into a GET request and sends the GET request (sending a request to transmit multimedia information) to the corresponding client (the first terminal device), section 47).*

Therefore, based on Enoki in view of Lui, and further in view of Goodman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Goodman to the system of Enoki and Lui in order to provide a method in a client in a peer-to-peer network having a server and a multiplicity of clients having searchable resources, each of the multiplicity of clients having a unique client address.

With respect to claim 6, Enoki teaches when the second terminal device retains the multimedia information and a server receiving unit that is configured to receive the identifier of the second terminal device and a share request to share the multimedia information from the first terminal device *(i.e., when a file access request is received, that particular server computer, based on the virtual file identifiers it manages, retrieves data of the requested file from the server computer where the real data of the file is stored, and transfers the retrieved data to the requesting client/server computer, column 2 lines 27-32. The virtual file management system constructed with a plurality of servers and a plurality of terminals that share file services, abstract. Thus the virtual file management system uses the virtual file identifiers in correlation with the server identifiers to share file services. One of the functions moves a selected file from the server where said file is stored to another server, column 11 lines 8-12. This means that file services can be used by clients and/or other servers (first terminal devices), to access files contained on other clients/servers (second terminal devices) on the network. In this way the identifier of the second terminal device and a share request to*

share the data is received by the virtual file manager from a client/server (second terminal device), when the second terminal device retains the data information).

Enoki further teaches a server transmitting unit that is configured to send the share request and the address of the first terminal devices to the second terminal device *(i.e., a function that processes a file access request (share request) and that instructs said transmitting section to transmit the processed result to said terminals (second terminal device), column 10 lines 41-43. This exchange involves sending the originator computer identifier (address) of the originating computer (first terminal device) to the server (second terminal device) when the server retains the data files. The processing section modifies said file access request so that a response to said file access request can be sent back to the terminal that issued said access request, using an identifier of the originating computer, by said request analyzing section, abstract. Thus an originating identifier (address of the first terminal device) is sent with the file access request (share request) to the server (second terminal device) so that a response can be sent back to the client, 109a in figures 4 and 5. The invention provides a function that processes a file access request (share request with the originator identifier) and that instructs said transmitting section to transmit the processed result to said terminal (second terminal device), column 10 lines 41-43).*

Enoki does not explicitly disclose an address that is a network address.

However, Lui teaches an address that is a network address *(i.e., a message that contains the IP address (network address) of the peer that hosts the file and the port*

number of that peer, table 4) in order for a peer to request files from others and share files with other peers *(section 1)*.

Lui also teaches a server receiving unit that receives an acknowledgement, indicating that the multimedia information is transmittable, from the second terminal device in response to the share request *(i.e., the server sends a download ack message to the peer with the details of the file download, table 4. All peers in the network can both act as both a client and/or a server, section 1. Therefore the receiving section receives an ack indicating that the multimedia is transmittable from another peer (second terminal device) in response to the share request).*

Lui further teaches a server transmitting unit that is configured to send a request to receive the multimedia information to the first terminal device *(i.e., a peer can request files from others and share files with other peers, section 1).*

Therefore, based on Enoki in view of Lui, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lui to the system of Enoki in order for a peer to request files from others and share files with other peers.

With respect to claim 9, Enoki does not explicitly teach a network address includes an IP address and a port number.

However, Lui teaches a network address includes an IP address and a port number *(i.e., a message that contains the IP address of the peer that hosts the file and*

the port number of that peer, table 4) in order for a peer to request files from others and share files with other peers *(section 1)*.

Therefore, based on Enoki in view of Lui, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lui to the system of Enoki in order for a peer to request files from others and share files with other peers.

The limitations of claim 11 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

The limitations of claim 12 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

The limitations of claim 16 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitations of claim 19 are rejected in the analysis of claim 9 above, and the claim is rejected on that basis.

3. Claims 3, 4, 7, 8, 10, 13, 14, 17, 18 and 20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. (U.S. Patent No. 5,873,085) in view of Lui S., ("Interoperability of Peer-To-Peer File Sharing Protocols", ACM SIGecom

Exchanges, Vol. 3, No. 3, August 2002, pages 25-33)(hereinafter Lui), and Goodman et al. (U.S. Publication No. 2003/0177246 A1), and in further view of Yang B., ("Comparing Hybrid Peer-to Peer Systems", Proceedings of the 27th VLDB Conference, 2001, pages 1-10, especially 1-3)(hereinafter Yang).

With respect to claim 3, Enoki, Lui and Goodman do not explicitly disclose a first terminal device that has a transmitting-end database on which the multimedia information, including at least one title, and title information, representing the properties of said at least one title, is stored.

However, Yang teaches a first terminal device that has a transmitting-end database on which the multimedia information, including at least one title, and title information, representing the properties of said at least one title, is stored *(i.e., a client process running on a user's computer connects to a particular server, and uploads metadata describing the user's library. A library is the collection of files that a user is willing to share. The metadata might include file names, creation dates, and copyright information, section 3)* in order to provide a data-sharing system to support search and exchange files found on user disk *(section 1).*

Yang further teaches a server receiving that is configured to receive the title information, from the first terminal device *(i.e., a client process running on a user's computer connects to a particular server, and uploads metadata describing the user's library, section 3. Thus the server receives title information in the form of metadata from the client's database (library)).*

Yang also teaches a processing that is configured to make a title list, including predetermined titles, based on the title information and the identifier of the second terminal device *(i.e., the server maintains an index on the metadata of its client's files. Every file's metadata is considered a document, with the text of the file name, author name, and so on, being its content. The server also maintains a table of user connection information, describing active connections (e.g., client IP address), section 3. The IP address is a type of a device identifier. Depending on the architecture, servers may index the library information of both local and remote users, section 3. Thus the identifiers of the second device are included in the title list processing).*

Yang further teaches a server transmitting that is configured to transmit the title list to the first terminal device and to receive a request to share the multimedia information, selected by referring to the title list, from the first terminal device *(i.e., By logging on, the user is now able to query its server, and is allowing other users to download their files, section 3. Thus a library (title list) is transmitted from the server to the first user, and then a request to share the multimedia is received at the server from that same user, selected by reference to the library (title list)).*

Therefore, based on Enoki in view of Lui and Goodman, and further in view of Yang, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Yang to the system of Enoki, Lui and Goodman in order to provide a data-sharing system to support search and exchange files found on user disk.

With respect to claim 4, Yang teaches processing that is configured to make the title_list including titles that are playable by the second terminal device *(i.e., the metadata might include file names, creation dates, and copyright information. The server maintains an index on the metadata of its client's files, section 3. This index therefore contains titles that are usable by the corresponding user).* The limitations of claim 4 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

With respect to claim 7, Enoki, Lui and Goodman do not explicitly disclose a second terminal device that has a transmitting-end database on which the multimedia information, including at least one title, and title information, representing properties of said at least one title, is stored.

However, Yang teaches a second terminal device that has a transmitting-end database on which the multimedia information, including at least one title, and title information, representing properties of said at least one title, is stored *(i.e., a client process running on a user's computer connects to a particular server, and uploads metadata describing the user's library. A library is the collection of files that a user is willing to share. The metadata might include file names, creation dates, and copyright information, section 3. Any of the peers connected to the network have this library (transmitting-end database) in which the multimedia data is stored. Thus that includes either a first, second, third or fourth terminal device with a library)* in order to provide a

data-sharing system to support search and exchange files found on user disk *(section 1).*

Yang also teaches a server receiving unit that is configured to receive the title information from the second terminal device *(i.e., a client process running on a user's computer connects to a particular server, and uploads metadata describing the user's library. A library is the collection of files that a user is willing to share. The metadata might include file names, creation dates, and copyright information, section 3. Any of the peers connected to the network have this library (transmitting-end database) in which the multimedia data is stored. Thus that includes either a first or second terminal device with the library).*

Yang further teaches a processing unit that is configured to make a title list, including predetermined titles, based on the title information and the identifier of the first terminal device *(i.e., the server maintains an index on the metadata of its client's files. Every file's metadata is considered a document, with the text of the file name, author name, and so on, being its content. The server also maintains a table of user connection information, describing active connections (e.g., client IP address), section 3. The IP address is a type of a device identifier. Any of the peers connected to the network have this information stored on the server. Thus a first or second terminal device's identifier and title information are processed to create an index of the devices files).*

Yang also teaches a server transmitting unit that is configured to transmit the title list to the first terminal device and to receive a request to share the multimedia

information, selected by referring to the title list, from the first terminal device *(i.e., By logging on, the user is now able to query its server, and is allowing other users to download their files, section 3. Thus a library (title list) is transmitted from the server to the first user, and then a request to share the multimedia is received at the server from that same user, selected by reference to the library (title list))*.

Therefore, based on Enoki in view of Lui and Goodman, and further in view of Yang, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Yang to the system of Enoki, Lui and Goodman in order to provide a data-sharing system to support search and exchange files found on user disk.

With respect to claim 8, Yang teaches a processing unit that is configured to make the title list including titles that are playable by the first terminal device *(i.e., the metadata might include file names, creation dates, and copyright information. The server maintains an index on the metadata of its client's files, section 3. This index therefore contains titles that are usable by the corresponding user)*. The limitations of claim 8 are rejected in the analysis of claim 7 above, and the claim is rejected on that basis.

With respect to claim 10, Yang teaches a search unit that is configured to search the title information that is stored in the transmitting-end database *(i.e., the goal of a data-sharing system is to support search and exchange files found on user disks,*

section 1. When a server receives a query, it searches for matches in its index, section 3. The index is based on the metadata of the client's library (transmitting-end database)).

Yang also teaches a server receiving unit that is configured to receive the title information based on a result of the search done by the search section *(i.e., when a server receives a query, it searches for matches in its index, section 3. The title information is extracted based on the result of the search done).* The limitations of claim 10 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

The limitations of claim 13 are rejected in the analysis of claim 3 above, and the claim is rejected on that basis.

The limitations of claim 14 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

The limitations of claim 17 are rejected in the analysis of claim 7 above, and the claim is rejected on that basis.

The limitations of claim 18 are rejected in the analysis of claim 8 above, and the claim is rejected on that basis.

The limitations of claim 20 are rejected in the analysis of claim 10 above, and the claim is rejected on that basis.

4. Claims 5 and 15 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. (U.S. Patent No. 5,873,085) in view of Lui S., ("Interoperability of Peer-To-Peer File Sharing Protocols", ACM SIGecom Exchanges, Vol. 3, No. 3, August 2002, pages 25-33)(hereinafter Lui), and Goodman et al. (U.S. Publication No. 2003/0177246 A1), and in further view of Mandato et al. (U.S. Publication No. 2001/0025280 A1).

With respect to claim 5, Enoki teaches when the first terminal device retains the multimedia information and the multimedia information is transmitted, received and shared between the first and second terminal devices *(i.e., the modified file access request creates response data to the file access request by using the file systems and then transmits the response data to the client computer, column 14 lines 30-33. This can be either a read or a write operation as described above. Thus the files are shared between the two devices in reference to the computer name (addresses) in the management table).*

Enoki, Lui and Goodman do not explicitly disclose a server that includes a format description table that describes correspondence between the identifiers to identify the terminal devices and the formats of the multimedia information that are compatible with the respective terminal devices.

However, Mandato teaches a server that includes a format description table that describes correspondence between the identifiers to identify the terminal devices and

formats of the multimedia information that are compatible with respective terminal devices *(i.e., the invention generally relates to the field of mobile multimedia middle-ware, computer networking, distributed processing systems, data bases, hand-held computers and wireless communication, abstract. The data base can contain information on the access network, the network address and the characteristics of each terminal device, section 75)* in order to manage a user profile data base for storing user profile data representing the sets of terminal devices of users in an information transmission network *(section 81).*

Mandato further teaches a processing unit that is configured to generate filter information about the format compatible with the second terminal device by referring to the format description table, and the server transmitting unit that is configured to transmit the filter information to the first terminal device *(i.e., For each terminal, the MB can retrieve the following information. The terminal device characteristics (filter), which are used for selecting the proper information format conversion mechanism, which is required for delivering information in a ready-to-use form to the Called Party's preferred terminal device, section 91 and section 94. Besides this information, the user profile contains information about each terminal. The information is used during the message brokering, section 86. Thus the information can be transmitted from any terminal device acting as a server to another first terminal device).*

Mandato also teaches a request to share the multimedia information that has been filtered by the first terminal device in accordance with the filter information that is sent from the first terminal device to the second terminal device *(i.e., Each IMB*

subscriber is assigned a User Space, where custom information is organized in a set of User Profiles. This set is thereinafter indicated as Context. Such Context is thereinafter referred to as Active Context. The User Space maintains an Active Context Indicator, defining the currently used Context. At any time, the user (first or second terminal device) can switch to another context (Context Switch), section 85. Thus the format information is sent from a first terminal device to a second terminal device in the form of context information based on collected data including the terminal device characteristics (filter) as described above).

Therefore, based on Enoki in view of Lui and Goodman, and further in view of Mandato, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Mandato to the system of Enoki, Lui and Goodman in order to manage a user profile data base for storing user profile data representing the sets of terminal devices of users in an information transmission network.

The limitations of claim 15 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

(10) Response to Argument

I. Applicants argue on page 10 of the remarks that, Goodman does not disclose sending the network address of one client (i.e., the claimed second terminal device) to

the other client (i.e., the claimed first terminal device) when the first terminal device retains the multimedia information.

The Examiner respectfully disagrees with Applicant's arguments since Goodman discloses that each client first "announces itself" to the server by sending its IP address, and requests a list of IP addresses of connected clients. The server sends a seed list of the connected clients (this contains the IP address of the second terminal device), section 31. Thus, the second terminal device is sending its IP address (network address) to the other device (first terminal device) through the server (network control device). The client of FIG. 4 may also initiate SEARCH and GET requests. When a SEARCH request is initiated, the terms of the search are received typically from an operator of the client. The SEARCH and GET request processor packages the terms of the search along with the credentials of the client including a client ID and password as well as its IP address (address of the second terminal device). The search request is then communicated (sending the address of a second terminal device) to clients having an IP address included in its seed list (to the first terminal device). The first terminal device is included in the seed list so therefore the first terminal device is receiving the IP address of the second terminal device. If a particular resource in a particular client is desired as a result of the search (when the first terminal device retains the multimedia information), then the SEARCH and GET request processor packages the resource identification along with credential information into a GET request and sends the GET request to the corresponding client (in this case the first terminal device), section 47. Thus, a second device is sending its network address to a first device together with a

search request in order to obtain multimedia information which the first device is in possession of or continuing to use (retains). Therefore, Goodman teaches sending the network address of the second terminal device to the first terminal device when the first terminal device retains the multimedia information.

II. Applicants further argue on page 10 of the remarks that, Goodman does not disclose sending the network address of the first terminal device to the second terminal device when the second terminal device retains the multimedia information.

The Examiner respectfully disagrees with Applicant's arguments because again Goodman discloses in section 47 that the client of FIG. 4 may initiate SEARCH and GET requests. When a SEARCH request is initiated, the terms of the search are received typically from an operator of the client (in this case a first terminal device client). The SEARCH and GET request processor packages the terms of the search along with the credentials of the client (first terminal device) including a client ID and password as well as its IP address (address of the first terminal device). The search request is then communicated (sending the address of a first terminal device) to clients having an IP address included in its seed list (to the second terminal device). The second terminal device is included in the seed list so therefore the second terminal device is receiving the IP address of the first terminal device when the SEARCH and GET commands are sent to the second terminal device since it is in possession of the multimedia information. If a particular resource in a particular client is desired as a result of the search (when the second terminal device retains the multimedia

information), then the SEARCH and GET request processor packages the resource identification along with credential information into a GET request and sends the GET request to the corresponding client (in this case the second terminal device), section 47. Therefore, Goodman also discloses sending the network address of the first terminal device to the second terminal device when the second terminal device retains the multimedia information.

III. Applicants argue on pages 10-11 of the remarks that, the instant application is a push-type sharing system where a first terminal device sends a request to share the multimedia information.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., push-type sharing system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

IV. Applicants also argue on pages 10-11 of the remarks that, since the seed list merely contains the addresses of the clients regardless that the clients retain the multimedia information or not, the recipient of the seed list cannot know which client retains the specific multimedia information or which client requires the multimedia information.

The Examiner respectfully disagrees with Applicant's arguments because the recipient (second terminal device) of the seed list does know which client retains the multimedia information because it has sent a SEARCH and GET request with its IP address to the other client (first terminal device) in order to find out whether or not they have the multimedia information. When it is determined that the other client does have the information (when the first terminal device retains the multimedia information) the multimedia information is then transmitted. Thus, the IP address of the second terminal device is indeed sent to the first terminal device when the first terminal device retains the multimedia information.

V. Applicants also argue on page 11 of the remarks that, if Goodman's seed list was used in the alleged combination of Enoki and Lui, the multimedia information could not be transmitted, received and shared between the first and second terminal devices by referring to the network addresses in such a combination, because the terminal devices cannot specify to which terminal device(s) the multimedia information should be sent.

In response to applicant's argument that if Goodman's seed list was used in the alleged combination of Enoki and Lui, the multimedia information could not be transmitted, received and shared between the first and second terminal devices by referring to the network addresses in such a combination, because the terminal devices cannot specify to which terminal device(s) the multimedia information should be sent, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

VI. Applicants further argue on page 11 of the remarks that, the multimedia information of the first terminal device can be directly sent to the second terminal device without intervention of the server.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., without intervention of the server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

VII. Applicants also argue on page 11 of the remarks that, Goodman fails to disclose the push-type sharing system and process as set forth in claim 1.

The Examiner further directs the Board to the response regarding the push-type sharing system and process as addressed above.

VIII. Applicants also argue on page 12 of the remarks that, Goodman does not disclose the claimed step of sending the network address.

Again, the Examiner would like to direct the Board to the responses regarding the sending of the network address of the first terminal device to the second terminal device

when the second terminal device retains the multimedia information as well as the push-type sharing system and sending to a second terminal device without intervention of the server as addressed above.

IX. Applicants argue on page 14 of the remarks that, claims 2-10 and 12-20 are allowable for similar reasons as stated above with respect to claims 1 and 11.

The Examiner respectfully disagrees with Applicant's arguments because as stated above in the examiner's response claims 1 and 11 are not allowable and therefore claims 2-10 and 12-20 are also not allowable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jaren M. Means
/J.M.M./
Patent Examiner
Art Unit 2447
11/3/2010

Conferees:

/George C Neurauter, Jr./
Primary Examiner, Art Unit 2447

/Joon H. Hwang/
Supervisory Patent Examiner, Art Unit 2447